DOCUMENT RESUME

ED 156 750 UD 018 359

TITLE When You're Suspended or Expelled. Questions and Answers About Student Rights in Chicago Public Schools.

INSTITUTION American Friends Service Committee, Chicago, Ill. Chicago Public Education Project.

PUB DATE Jul 77

NOTE 13p.; For a related document see UD 018 360

EDRS PRICE MF-$0.83 HC-$1.67 Plus Postage.

DESCRIPTORS Elementary Secondary Education; *Expulsion; *Grievance Procedures; *Public Schools; *Student Rights; *Student School Relationship; *Suspension

IDENTIFIERS *Illinois (Chicago)

ABSTRACT

This pamphlet deals with the procedures involved and the rights of Chicago public school students in cases of school suspension. Issues covered include: (1) reasons for which students may be suspended; (2) what a school must do in order to suspend a student; (3) what a student should do if he has been suspended; and (4) students' rights regarding course assignments and grades while under suspension. Similar information is reviewed for the process of student expulsion. Agencies which students and parents may contact for further information and help are mentioned. (GC)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

ED156750

WHEN YOU'RE SUSPENDED OR EXPELLED

QUESTIONS AND ANSWERS ABOUT STUDENT RIGHTS IN CHICAGO PUBLIC SCHOOLS

"PERMISSION TO REPRODUCE THIS MATERIAL HAS BEEN GRANTED BY

Judy Goltsegen
Chicago Pub. Educ. Proj.

TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC) AND USERS OF THE ERIC SYSTEM."

July 1977

U S DEPARTMENT OF HEALTH, EDUCATION & WELFARE
NATIONAL INSTITUTE OF EDUCATION

THIS DOCUMENT HAS BEEN REPRODUCED EXACTLY AS RECEIVED FROM THE PERSON OR ORGANIZATION ORIGINATING IT. POINTS OF VIEW OR OPINIONS STATED DO NOT NECESSARILY REPRESENT OFFICIAL NATIONAL INSTITUTE OF EDUCATION POSITION OR POLICY

CHICAGO PUBLIC EDUCATION PROJECT
American Friends Service Committee
407 S. Dearborn St.
Chicago, Illinois 60605

427-2533

UD018359

SUSPENSIONS - SOME DEFINITIONS

WHAT IS A SUSPENSION?

A suspension occurs when you are told to stay away from school for any length of time up to 10 school days. A single suspension cannot last longer than 10 school days in Chicago.

IF I'VE BEEN TOLD THAT I CAN'T COME BACK TO SCHOOL UNTIL MY PARENT COMES FOR A CONFERENCE, IS THAT A SUSPENSION?

YES. There are many words used in Chicago which mean the same thing as a suspension. We have heard terms such as BARRED, BLOCKED, or "U.P.A." (until parent arrives), and there may be others. Whatever term is used, if the effect is to keep you out of school for any period of time up to 10 school days, it is a suspension.

WHY ARE STUDENTS SUSPENDED?

FOR WHAT REASONS CAN I BE SUSPENDED?

You can be suspended if a school official believes that you have committed some act which fits the definition of "gross disobedience and misconduct." In some schools in Chicago, discipline codes have been developed which list specific student actions that will cause you to be suspended.

IF THERE IS NO DISCIPLINE CODE IN MY SCHOOL, CAN I STILL BE SUSPENDED?

YES. Federal courts have held that in Illinois students may be suspended even when there is no discipline code if the student has done something which is "truly gross by any standard." If your school has no code, you can be suspended if your behavior fits that definition.

WHAT SHOULD BE IN A DISCIPLINE CODE?

Discipline codes should state the kinds of things you're not permitted to do and should tell you what will happen to you if you do them. For example, at Calumet High School during the 1976-77 school year, smoking cigarettes on school grounds is a violation of school rules. According to Calumet's discipline code, the first time you are caught smoking, you will have to serve 1-3 detentions; the second time, you can be suspended from 1-10 school days.

CAN I BE SUSPENDED FOR SOMETHING I DID OFF THE SCHOOL GROUNDS?

In most cases the answer is no. School officials have no authority to discipline you for things you may have done outside of school, unless they can show that these actions place other students or teachers in physical danger or would disrupt the operation of the school. Of course, if you are on a field trip or are off school grounds with other students on some other school-related function, school officials will have authority to discipline you.

HOW CAN I FIND OUT IF MY SCHOOL HAS A DISCIPLINE CODE?

Just go to the office and ask. If your school has a code or set of rules, copies should have been given to all students or it should have been posted in a central place in the school building.

WHAT MUST SCHOOLS DO IN ORDER TO SUSPEND STUDENTS?

WHO CAN SUSPEND ME?

According to Chicago regulations, only the principal can suspend you. However, in high schools, sometimes an assistant principal in charge of discipline has been assigned this job by the principal.

CAN A TEACHER SUSPEND ME?

NO. Teachers can ask the principal to suspend you, but they cannot prevent you from coming to school on their own. The decision to suspend you must be made by the principal or an assistant principal in charge of discipline.

WHAT MUST THE PRINCIPAL DO BEFORE SUSPENDING ME?

The principal must do 2 things. First, the principal must tell you the charges against you, and, if you deny those charges, he/she must explain to you the evidence against you. This information must be specific enough to permit you to defend yourself. Second, the principal must also give you a chance to tell your side of the story. This discussion between you and the principal is known as an "informal suspension hearing."

DOES THE SUSPENSION HEARING HAVE TO HAPPEN BEFORE I AM SUSPENDED?

YES. You must be given an informal suspension hearing <u>before</u> you are suspended <u>unless</u> the school finds that you are a danger to other persons or property or that you will disrupt the operation of the school. For example, a student who sets fire to the school or knifes another student could be suspended before a hearing was held. In such cases, you can be immediately removed from the school, but you must be given a hearing as soon as practicable.

CAN I HAVE SOMEONE WITH ME AT THE SUSPENSION HEARING?

YES. According to Chicago regulations, you can have anyone of your own choice at the hearing. This person could be your parent or another relative, another student, a school staff member, a lawyer, or anyone else who you think would be able to help you. *<u>REMEMBER</u>: The Chicago regulations say that <u>you must</u>

tell the principal that you want to have this person at the hearing. In many schools in Chicago, you won't be asked whether you want to have someone with you at the hearing. It's up to you to make this request.

CAN THE SCHOOL GO AHEAD WITH THE SUSPENSION HEARING IF I'VE ASKED THAT SOMEONE BE THERE AND THE PERSON HASN'T ARRIVED YET?

Since the purpose of having a person of your own choosing at the informal suspension is to help you, the principal should give you a reasonable opportunity to contact someone before going ahead with the hearing.

MUST MY PARENT BE NOTIFIED EVERYTIME I'M SUSPENDED?

YES. Chicago regulations require that the school inform parents immediately. They must be told the reasons for your suspension.
NOTE: It is a good idea for your parents to keep copies of any written notices sent to them by the school, since schools can make mistakes in recording this information.

IF I HAVE BEEN ARRESTED BY THE POLICE AND/OR CHARGED WITH COMMITTING A CRIME, CAN I BE SUSPENDED WITHOUT A HEARING?

NO. The fact that you have been arrested or charged with committing a crime may have nothing to do with a violation of school rules or with the safety of other students or teachers. An informal suspension hearing must still be held.

WHAT TO DO IF YOU'VE BEEN SUSPENDED

CAN I DO ANYTHING IF I THINK MY SUSPENSION IS UNFAIR?

YES. Sometimes the principal will reconsider a

suspension decision and decide not to suspend you or will at least shorten the number of days of your suspension. In order to convince the principal that your suspension is unfair, you or your parent will need to ask for a meeting and will probably need to bring in other people who were present when you were supposed to have been doing something wrong.

CAN THE CHICAGO PUBLIC EDUCATION PROJECT (CPEP) HELP ME IF I'M SUSPENDED UNFAIRLY?

YES. If you think you've been unjustly suspended or that you did not receive a fair hearing, call us at the phone number listed on the front and back page of this pamphlet and we will attempt to assist you with information, advice or a referral. Sometimes CPEP staff will attend meetings you have arranged with your principal on suspension problems, and help you to present your case.

IF I ADMIT THAT I BROKE A SCHOOL RULE, BUT I THINK THAT I SHOULDN'T HAVE BEEN SUSPENDED, IS THERE ANYTHING I CAN DO?

YES. Many schools have developed other ways of dealing with student misconduct. CPEP has described a number of these new ways of handling school discipline in a newsletter called "Alternatives to Suspension." You can call us or come to our office for a copy. Then you and your parent can join with other students and parents in trying to get your school to use one of these discipline approaches instead of suspension.

IF THE PRINCIPAL WON'T CHANGE HIS/HER MIND, WHAT CAN I DO?

All suspensions in Chicago must be reported immediately to the district superintendent for your area of the city. The district superintendent reviews actions taken by principals. If your principal refuses to see you or your parent or an advocate, or if he/she still won't change the suspension at the

meeting, call the district superintendent's office for an immediate appointment to discuss your suspension. Sometimes the district superintendent or his/her human relations coordinator will agree with you and will reverse the suspension decision.

IF EITHER THE PRINCIPAL OR THE DISTRICT SUPERINTENDENT FINDS THAT I SHOULDN'T HAVE BEEN SUSPENDED, WILL THE SUSPENSION STILL BE ON MY RECORD?

You should ask that the record of this suspension be destroyed. Because schools sometimes have a problem with record-keeping, you should check your file within the month to see if the record has really been removed. To find how to check your file, call CPEP and ask for our pamphlet, "Your School Records."

SUSPENSIONS AND GRADES

AM I SUPPOSED TO GET MY SCHOOLWORK WHILE I'M SUSPENDED?

YES. Chicago regulations require that you be given class assignments during your suspension.

WHO IS RESPONSIBLE FOR MAKING SURE THAT I GET MY ASSIGNMENTS?

Chicago rules do not state which person is responsible, so you should ask the principal for your assignments. In some schools, the assistant principal in charge of discipline has been assigned this responsibility.

CAN MY GRADES BE LOWERED JUST BECAUSE I'VE BEEN SUSPENDED?

NO. According to Chicago regulations, your grades will not be affected if you complete your class assignments satisfactorily. SO: Be sure to ask for your class assignments and for any help you

may need from your teachers in completing this work.

EXPULSIONS -- SOME DEFINITIONS

WHAT IS AN EXPULSION?

An expulsion occurs when you are told that you cannot come back to your school for the rest of the year, the rest of the semester, forever, or for any period longer than 10 school days.

IF STUDENTS ARE TRANSFERRED OUT OF THEIR SCHOOL WITHOUT THEIR CONSENT, IS THIS AN EXPULSION?

If you are told that you can't attend your own school, but your school does not make arrangements to have you enrolled in another regular public school, then you have been expelled. For example, if you are transferred to night school, or programs like the Industrial Skills Center or the EE Program without your consent, that is an expulsion.

IN OUR SCHOOL, STUDENTS WHO HAVE BEEN ABSENT FOR MORE THAN 20 DAYS IN A ROW WITHOUT A VALID EXCUSE ARE TOLD THAT THEY HAVE BEEN DROPPED. IS THIS AN EXPULSION?

If the school allows you to re-enroll after you've been dropped, then this is not an expulsion, <u>If you are not allowed to re-enroll, then you have been expelled</u>.

WHAT DO I DO TO RE-ENROLL?

The procedures vary across the city of Chicago. In many schools you must bring your parent in with you and some proof of your address before you are allowed to re-enroll. Other schools do not require proof of address.

WHY ARE STUDENTS EXPELLED?

FOR WHAT REASONS CAN I BE EXPELLED?

Just like suspension, you can be expelled if you commit some act which fits the definition of "gross disobedience or misconduct." School officials have stated however, that they only use expulsion for serious types of student misconduct, such as attacks on other persons.
NOTE: All the questions and answers in this pamphlet in the section entitled "WHY ARE STUDENTS SUSPENDED" also apply to expulsion.

WHAT MUST THE SCHOOL DO BEFORE IT CAN EXPELL ME?

In Chicago, before you can be expelled, your principal must arrange for a due process hearing to be held before an impartial hearing officer.

WHAT IS A DUE PROCESS HEARING?

In this case, a due process hearing is a meeting between you, your parents and, if you wish, an advocate such as a lawyer, and school officials. This meeting is run by a person known as a hearing officer. The purpose is to let both you and the school present evidence about whether you should be expelled.

WHO IS THE HEARING OFFICER?

In Chicago, hearing officers are usually private attorneys who have volunteered to conduct due process hearings. They are not employed by the Chicago Board of Education.

WHAT ARE MY RIGHTS AT THE DUE PROCESS HEARING?

You have the right to be represented by an attorney or advocate, the right to ask questions of any witness, and the right to present your own witnesses. A tape recording or transcript must also be made of everything that is said at the hearing.

MUST MY PARENTS BE NOTIFIED ABOUT THE HEARING?

YES. Your parents must be notified by registered or certified mail. The notification must include the time, place and purpose of the hearing.

ARE THE HEARINGS OPEN TO ANYBODY?

NO. The hearing is only open to the people who are directly involved and their representatives. The student and his/her parents, however, can bring anyone they want to the hearing to help them present their case.

DOES THE HEARING OFFICER DECIDE AT THE HEARING WHETHER I SHOULD BE EXPELLED?

NO. The hearing officer makes a recommendation to the district superintendent, who then decides. The hearing officer has 3 weeks to write a report to the district superintendent. This report must include a recommendation and the facts on which the recommendation is based.

WHO WILL MAKE THE DECISION TO EXPELL OR NOT TO EXPELL ME?

The district superintendent must review the record and the hearing officer's report and promptly notify the principal and your parents on his/her decision.

* * * * * * * * * * * * * * * * * *

If you have reason to believe that you have been expelled or suspended as a result of your race or sex, you should immediately contact the Office of Civil Rights (OCR). This federal agency is supposed to investigate your complaint, and if OCR finds that your school has violated your civil rights, federal funding may be stopped until the violation is corrected. To contact OCR, call 353-2646 or write to:

Alice Boyd
Office of Civil Rights
U.S. Dept. of Health, Education and Welfare
300 S. Wacker
Chicago, Illinois 60606

* *

Chicago parents and students may also want to write to the Board of Education for the City of Chicago to get copies of the suspension/expulsion rules referred to in this pamphlet. Just send your request to:

Office of the Secretary
Chicago Board of Education
228 N. LaSalle St.
Chicago, Illinois 60601

and ask for:

Board Report #75-477-1&2 (Amending Rules 6-8 and 6-9) and Board Report #75-477-3 (Establishing Guidelines for Suspensions and Expulsions).

These Board Reports are dated May 28, 1975.

* *

APR 14 1978

If you have any questions about the rights discussed in this pamphlet, contact the CHICAGO PUBLIC EDUCATION PROJECT (CPEP).

CPEP is a non-profit, private program affiliated with the American Friends Service Committee and the Northwestern Legal Assistance Clinic.

CPEP staff help parents and students to enforce their rights in the Chicago Public School System. They will answer your questions about Suspensions and Expulsions and can assist you in putting them into practice.

CPEP staff can be reached by writing to:

407 S. Dearborn St.
Chicago, Ill. 60605

or calling 427-2533

This pamphlet may be revised and/or reproduced for use in you community. A Spanish version of this pamphlet is available through CPEP.